

208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.5192 of 2021 (O&M)
Decided on: 31.05.2022

Avtar Singh @ Gagan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail in FIR No.139 dated 28.10.2020, registered under Sections 22, 25 and 29 of the NDPS Act, at Police Station Tappa Mandi, District Barnala.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of ASI Jasbir Singh, he received a secret information that the petitioner is involved in the business of selling intoxicant tablets and can be apprehended. Thereafter, a ruqa was sent to the Police Station and ASI Nirdev Singh was deputed and he arrested the petitioner with 1490 intoxicant tablets. It is further submitted that the petitioner is a first offender and vide order dated 18.01.2022, he was granted the concession of interim bail and thereafter, 01 PW has been examined. It is also contended that during the interim bail, for a period of about more than 04 months, the

petitioner has not misused the concession of bail and he is regularly attending the Court proceedings.

Counsel for the petitioner has lastly submitted that as per the investigation conducted by the police, it will be a debatable issue to be decided during the course of trial, whether Sections 42 and 50 of the NDPS Act have been properly complied with or not.

Counsel for the State on the basis of the custody certificate could not dispute the fact that the petitioner is a first offender and prior to grant of interim bail, he remain in custody for a period of about 01 year, 02 months and 20 days. It is also submitted that 04 PWs have been examined before the trial Court.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.01.2022 is made absolute.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

31.05.2022
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No